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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

JILL ABESHOUSE STERN
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August 17, 1995

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Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

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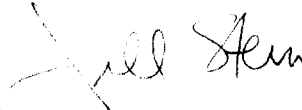
Re: WT Docket No. 95-56

Dear Mr. Caton:

On behalf of CTA Commercial Systems, Inc., I am transmitting herewith an original and nine copies of its Reply Comments with respect to the above-referenced rulemaking proceeding.

Should there be any questions concerning this matter, kindly communicate with the undersigned.

Sincerely,


Jill Abeshouse Stern

Attachments

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
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Amendment of the Commission's) WT Docket 95-56
Rules Concerning Low Power Radio and)
Automated Maritime Telecommunications)
System Operations in the 216-217 MHz)
Band)

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REPLY COMMENTS OF CTA COMMERCIAL SYSTEMS, INC.

CTA Commercial Systems, Inc. ("CTA"), by its attorneys, submits its reply comments in the above-captioned rulemaking proceeding in which the Commission proposes an allocation in the 216-217 MHz band for a new Low Power Radio Service ("LPRS").

CTA is one of six new applicants for licensing in the Non-Voice Non-Geostationary Mobile Satellite Service ("NVNG MSS"). In order to accommodate these applicants, the Commission recommended that the United States pursue an additional spectrum allocation at the upcoming 1995 World Radiocommunication Conference (WRC-95) for NVNG MSS use, which includes an allocation for feeder downlinks in the 216-216.5 MHz band. ProNet objected to this proposed allocation in a July 17, 1995 Petition for Clarification of the Commission's Report in the WRC-95 proceeding (IC Docket No. 94-31), and has renewed its objections in this proceeding.

In ProNet's July 18, 1995 comments in this proceeding, ProNet argues that "any LEO MSS allocation [in the subject band] should only be co-primary, or secondary, to LETS operations."^{1/} There is no basis, technical or otherwise, for this attempt by ProNet to upgrade the LPRS from secondary to primary status contrary to the Commission's stated intentions.

ProNet's interference concerns are wholly without technical foundation as CTA previously pointed out in its August 10, 1995 Opposition to the ProNet Petition for Clarification in the WRC-95 proceeding. The Commission agreed with NVNG MSS proponents, in its WRC-95 Report, that MSS feeder downlinks can successfully share with the LPRS (including LETS). The Commission also made clear in that Report that the proper forum for ProNet's arguments would be subsequent domestic allocation proceedings after WRC-95. A copy of CTA's August 10, 1995 Opposition is attached and incorporated in this proceeding by reference.

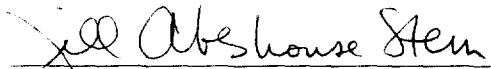
For reasons set forth herein, and in the attached Opposition, the proposed NVNG MSS feeder link operations in the 216-216.5 MHz band will not interfere with LETS or other proposed low power operations in the 216-217 MHz band; and ProNet's concerns are not properly raised in

^{1/} Comments of ProNet, Inc. at 14, n.17 (July 18, 1995).

this proceeding. ProNet's comments with respect to NVNG MSS use of the 216-217 MHz band, and its improper efforts to upgrade the status of LPRS should therefore be disregarded.

Respectfully submitted,

CTA COMMERCIAL SYSTEMS, INC.

By: 

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Its Attorneys

August 17, 1995

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)

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Preparation for International)

Telecommunication Union World)

Radiocommunication Conferences)

IC Docket No. 94-31

OPPOSITION TO PETITION FOR CLARIFICATION

CTA Commercial Systems, Inc. ("CTA"), by its attorneys, opposes the Petition for Clarification of ProNet, Inc. ("ProNet") with respect to the Commission's Report in the above-captioned proceeding which provided recommended United States proposals for the upcoming 1995 World Radiocommunication Conference ("WRC-95").

CTA is one of six new applicants for licensing in the Non-Voice Non-Geostationary Mobile Satellite Service ("NVNG MSS"). Due to the shortage of spectrum available for new NVNG MSS systems, CTA and other applicants are supporting allocation of 7 to 10 MHz of spectrum below 500 MHz at WRC-95. In the Commission's Report in IC Docket No. 94-31, and the WRC-95 proposals ultimately adopted by the United States, 6.15 MHz of spectrum is proposed for allocation including the 216-216.5 MHz band that is the subject of ProNet's petition. In Joint Supplemental Reply Comments filed with the Commission on May 18, 1995, CTA and the other

applicants provided a detailed technical analysis of the proposed bands, including the 216-216.5 MHz band, and the reasons why these bands were deemed optimal as sharing candidates.^{1/}

Despite the Commission's finding that the Mobile Satellite Service and low-power devices such as ProNet's Law Enforcement Tracking System ("LETS") can successfully share the 216-216.5 MHz band, ProNet asks the Commission to clarify that LETS is "entitled to full interference protection from any subsequently deployed MSS feeder downlinks."^{2/} This request should be promptly dismissed. As discussed below, the proposed use of the 216 MHz band for NVNG MSS feeder links will not interfere with LETS or other such secondary Low Power Radio Service ("LPRS") systems. Equally important, ProNet's concerns are inappropriately raised in this proceeding which has been effectively superseded following the submission of formal US proposals to the International Telecommunication Union (ITU) by the State Department in July 1995.

1. Feeder Downlinks Will Not Interfere With ProNet's Law Enforcement Tracking Systems

ProNet's concern about potential interference to its proposed LETS operations is unfounded. The proposed MSS allocation is intended to support fixed data communications between the satellites and gateway facilities at fixed locations. In the Joint Supplemental Reply Comments, the parties discussed the ability of NVNG MSS systems to share with terrestrial fixed and mobile users in the same frequency bands. With respect to feeder downlinks, the joint parties indicated that, while the possibility of interference is insignificant, any interference concerns

^{1/} The discussion of feeder downlink bands is at pp. 14-17 of the joint filing.

^{2/} ProNet Petition at 3.

would be further minimized by appropriate PFD limits. The Commission confirmed this analysis in the Report stating "[w]e are confident ... that MSS power flux density limits can be devised to protect low-power, localized devices."^{3/}

NVNG MSS downlink flux density limits at the Earth's surface will protect the proposed LPRS and LETS from harmful interference. Feeder link flux density limits can be more restrictive than those for service links because of the high gain antennas at the feeder link Earth stations. LPRS and LETS users should not experience harmful interference from NVNG MSS feeder downlink transmissions as the Commission properly concluded in the Report.

2. LPRS Is Intended To Be A Low Power Secondary Service

In proposing to allocate spectrum for LPRS, the Commission intended that these services would, by definition, be low power services operating on a secondary basis. In its petition, ProNet essentially asks the Commission to upgrade LPRS from secondary status. This is inconsistent with the Commission's stated intention in the Low Power Radio proceeding (WT Docket No. 95-56.) In the Notice of Proposed Rulemaking in WT Docket 95-56, the Commission proposed rules "to permit the shared use of the 216-217 MHz band, on a **secondary, non-interference basis**."^{4/}

LPRS and LETS will be subject to a variety of interference sources. The LPRS is an area-licensed service subject to co-channel interference from similar units and to random

^{3/} Report at para. 20.

^{4/} Notice of Proposed Rulemaking, 10 FCC Rcd 5428 (1995) (emphasis added).

interference from human made noise such as automotive, machinery, and power generation. There is no basis to upgrade LPRS and LETS operations to primary status as ProNet proposes. Indeed, ProNet appears to be improperly using the WRC-95 proceeding to try to upgrade the LPRS to primary status in the band, contrary to the Commission's expressed intent.

3. ProNet's Concerns Are Improperly Raised In This Proceeding

The Report in IC Docket No. 94-31 was intended to provide the Commission's recommendations in connection with development of the United States position at WRC-95. The State Department forwarded the US proposals, which reflect inter-agency negotiations, to the International Telecommunication Union on July 14, 1995. Given the current status of the US proposals to the ITU, which proposals supersede the Commission's Report, it is unclear what purpose is served or even sought by the requested clarification. If ProNet's intention is to modify the official US proposal to WRC-95, a petition for clarification of the Commission's Report (which reflects only the Commission's recommendations) is not the appropriate vehicle for doing so.

If ProNet's goal is to upgrade the LPRS allocation from secondary to primary status, this proposal is properly raised in WT 95-56. However, in its July 18, 1995 comments in that proceeding, ProNet did not advocate such a fundamental change in the proposed allocation.

In the Report, the Commission made clear that if further protection to low power services in the 216 MHz band is necessary (which CTA does not believe to be the case), then this issue should be considered "in the course of the domestic allocation process which would be required

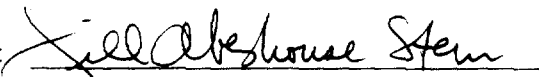
to implement any international allocation."⁵ If the desired MSS allocation is obtained at WRC-95, the Commission will be required to adopt the allocation in a domestic rulemaking proceeding. Although CTA believes that MSS and LPRS operations are entirely consistent, the technical issues will be fully ventilated in any such subsequent rulemaking proceeding.

CONCLUSION

For the foregoing reasons, the Commission should promptly dismiss ProNet's request for clarification on the grounds that (1) the proposed NVNG MSS feeder link operations in the 216-216.5 MHz band will not interfere with ProNet's LETS activities in the 216-217 MHz band; and (2) ProNet's concerns are not properly raised in IC Docket 94-31 which has been essentially concluded with the formal filing of the US proposal by the State Department at the ITU in July.

Respectfully submitted,

CTA COMMERCIAL SYSTEMS, INC.

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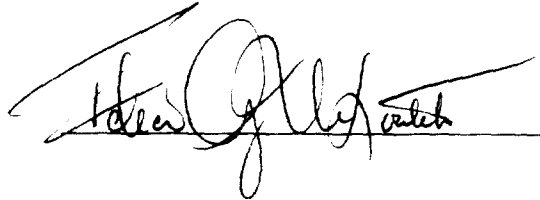
August 10, 1995

⁵ Report at para. 20.

CERTIFICATE OF SERVICE

I, Felecia G. DeLoatch, do hereby certify that a true and correct copy of the foregoing document was sent by first-class mail, postage prepaid, on this 10th day of August, 1995, to the following persons:

Danny E. Adams
Eric W. DeSilva
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, DC 20006

A handwritten signature in black ink, appearing to read "Felecia G. DeLoatch", written over a horizontal line.